REMARKS

Reconsideration and allowance of this application are respectfully requested.

By this Amendment, claims 11, 42, 43, and 44 have been amended. No new matter has been added by these amendments.

Claims 1 to 16 and 38 to 47 are pending in this application, of which claim 47 has been withdrawn.

RESTRICTIONS

The "Examiner asserts that the subject matter of the newly added independent claim (claim 47) has been previously restricted and grouped into unelected group (e.g. Group III). ... Accordingly, claim 47 is withdrawn from consideration as being directed to a non-elected invention." (*Final Office Action* at 3)

Applicant respectfully disagrees that new claim 47 is directed to a non-elected invention. Claim 47 is directed to the same invention as claim 1. The following table compares current claims 1 and 47:

Claim 1	Claim 47
A method of measuring the extent of resources provided by a second computer to a first computer in a distributed network, said method comprising the steps of:	**A method of measuring the extent of resources provided to a first computer by a second computer in a distributed network**, said network including a resource usage verification authority (RUVA) server, said method comprising the steps of:
(A) associating a first trusted entity with the first computer;	(A) associating a first trusted entity with the first computer;
(B) associating a second trusted entity with the second computer;	(B) associating a second trusted entity with the second computer;
(C) receiving at a resource usage verification authority (RUVA) server, from the first trusted entity,	(C) receiving at said RUVA server, from the first trusted entity, information about an intended resource

Claim 1	Claim 47
information about an intended resource use;	use by said first computer;
(D) providing a ticket, from said RUVA server to the first trusted entity, said ticket including at least portion of said information;	(D) said RUVA server providing a ticket to the first trusted entity, said ticket including at least portion of said information;
(E) transmitting said ticket from the first trusted entity to the second trusted entity;	(E) transmitting said ticket from the first trusted entity to the second trusted entity;
(F) the second trusted entity modifying the ticket to produce a modified ticket, said modified ticket being based at least in part upon actual resources provided by said second computer to said first computer;	(F) the second trusted entity modifying the ticket, said modification being based at least in part upon actual resource use;
(G) said second trusted entity transmitting said modified ticket to the first trusted entity;	(G) said second trusted entity transmitting said modified ticket to the first trusted entity;
(H) said first trusted entity transmitting the modified ticket to the RUVA server; and	(H) said first trusted entity transmitting the modified ticket to the RUVA server; and
(I) said RUVA server utilizing said ticket and said modified ticket to determine the extent of resources provided by the second computer to the first computer.	(I) said RUVA server utilizing said ticket and said modified ticket to determine the extent of resources provided by the second computer to the first computer; and
	(J) allocating value to said second user based upon said determination of the extent of resources provided by the second user.

The side-by-side comparison of claims 1 and 47 show that claim 47 is directed to the same invention as claim 1 ("measuring the extent of resources or benefit provided by a user/entity"). Step "J" of claim 47 ("allocating value ...") of a nine-step claim does not put the claim in a different class.

Claim 47 has been marked as "withdrawn" in the claim listing above. However, applicant respectfully requests that the restriction on claim 47 be lifted and that claim 47 be examined with the other pending claims.

REJECTIONS UNDER §§101, 112

The Examiner continues to reject claim 9 under 35 U.S.C. §101 as a hybrid claim. The Examiner also rejected claim 9 under §112, ¶2, and indicated that the §101 rejection would be withdrawn if the §112 rejection was overcome. The grounds for these rejections are respectfully traversed.

Claims 1 and 9 are all method claims. Claim 9 depends from claim 1 and further limits the method of claim 1. Claim 1 recites a first trusted entity performing certain steps. Claim 8 further limits the method of claim 1 by requiring that the first trusted entity be "a module incorporating authentication, encryption or data signing capabilities in data communication with a computing device." The recitation of structure in claim 9 does not make it a hybrid claim.

The Examiner states that "claim 9 recites "a module", a "receipt request generator", "receipt generator module" and "receipt validation module" without any positive method step recitation." Applicant respectfully disagrees.

Since claim 9 depends from claim 1, it includes all of the steps of claim 1. Claim 9, expanded, is reproduced here:

> 9.   A method of measuring the extent of resources provided by a second computer to a first computer in a distributed network, said method comprising the steps of:
> (A)   associating a first trusted entity with the first computer;
> (B)   associating a second trusted entity with the second computer;
> (C)   receiving at a resource usage verification authority (RUVA) server, from the first trusted entity, information about an intended resource use;
> (D)   providing a ticket, from said RUVA server to the first trusted entity, said ticket including at least portion of said information;
> (E)   transmitting said ticket from the first trusted entity to the second trusted entity;

> (F)   the second trusted entity modifying the ticket to produce a modified ticket, said modified ticket being based at least in part upon actual resources provided by said second computer to said first computer;
>
> (G)   said second trusted entity transmitting said modified ticket to the first trusted entity;
>
> (H)   said first trusted entity transmitting the modified ticket to the RUVA server; and
>
> (I)   said RUVA server utilizing said ticket and said modified ticket to determine the extent of resources provided by the second computer to the first computer,
>
> *wherein the first trusted entity comprises a receipt request generator, receipt generator module, and receipt validation module.*

Clearly this claim includes "positive method step recitation" – the claim recites nine steps. Claim 1 already recites "a first trusted entity" (in step "A"). That does not make claim 1 a hybrid claim. Claim 9 limits the method of claim 1 such that "the first trusted entity comprises a receipt request generator, receipt generator module, and receipt validation module."

Accordingly, withdrawal of these rejections under §§101 and 112 are respectfully requested.

The Examiner rejected claims 1-16 and 38-46 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. According to the Examiner, "[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention."

Specifically, according to the Examiner:

> Claim 1, for example, recites "associating a first trusted entity with the first computer" and further recites ""associating a second trusted entity with the second computer". The Examiner asserts that there is no support in Applicant's original specification supporting

the limitations above. Specifically, no support exists for
a "first computer" and a "second computer" being
associated with the first or second computer [sic].

The Examiner's attention is respectfully drawn to Figure 2, which "is a
diagram depicting a plurality of components used in one embodiment of the
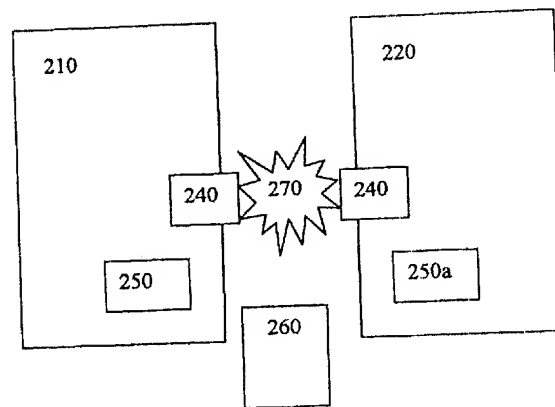present invention." (Application as filed, pg. 10, lines 9-10).

Figure 2

"A first computing device 210 and a second computing device 220 are
capable of accessing a common network 270. ....The first and second computing
devices 210, 220 both comprise a peer to peer application 240 and a Resource
Usage Verification Module ("RUVM", also referred to as "trusted entity") ..."
Application as filed, pg. 13, lines 7-11.

The term "a computing device" would encompass a computer (see, *e.g.*, pg.
11, lines 21-27, "As used herein, the term computing devices broadly encompasses
any type of computing device that could be placed in data communication with a
network. For example, the computing device could be any one of a personal
computer, laptop, personal data assistant, mobile phone, wireless email manager,
media player, computing tablet, set-top box, networked DVD player, or other type
of network access device.")

Furthermore, the application as filed states (at pg. 6, lines 30 *et seq.*):

> In one embodiment, . . . the method
> comprises the steps of associating a
> first trusted entity with the first
> user, associating a second trusted
> entity with the second user, . . .

See also, *e.g.*, at pg. 8, lines 25 *et seq.*, which states (with emphasis provided):

> In another embodiment, the present
> invention is directed toward a system
> for measuring the extent of resources
> provided by a second user to a first
> user in a distributed network,
> comprising a *first trusted entity in*
> *data communication with a computing*
> *device used by a first user, a second*
> *trusted entity in data communication*
> *with a computing device used by a*
> *second user,* …

(See also, *e.g.*, pg. 9, lines 4-11)

The above quoted sections are only examples of support for the claims in the application as filed, and are not intended to limit the scope of the claims in any way.

In view of the above noted exemplary support for the claims, withdrawal of the rejection under §112, ¶1, is respectfully requested.

The Examiner asserts that there is insufficient antecedent basis for the limitation "the second user" in the claim 42. Claim 42 has been amended to replace "user" with "computer."

The Examiner asserts that there is insufficient antecedent basis for the limitation "the transaction" in the claim 43. Claim 43 has been amended to clarify that "redundancy check comprises a check that a transaction <u>being attempted by said first computer</u> has not been repeated."

The Examiner asserts that there is insufficient antecedent basis for the limitation "prior to issuing said ticket" in the claim 44. Claim 44 has been amended to replace "issuing" to "providing."

In view of the above, withdrawal of the rejections under §112, ¶2, are respectfully requested.

THE PRIOR ART REJECTIONS

The Examiner rejected claims 1- 9, 12-16 and 38- 42 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,871,232 (Curie) in view of U.S. Patent Publication No. 2003/0093695 (Dutta). The grounds for this rejection are respectfully traversed in view of the above amendments and the following remarks.

Computer users in certain distributed computer networks (such as, e.g., peer-to-peer (P2P) networks) can benefit from sharing resources. For example, a particular computer in a P2P network may offer its storage to other computers in the network. Or a computer in a P2P network may let other computers use its processor or some other resources. The performance and functionality of many P2P networks improve as more computers in the networks share resources. The inventors realized that it would be desirable to reward computer users for sharing their computer resources with others. However, as the inventors also realized, neither the "buyer" nor the "seller" of a resource is a trusted party, and so any reward mechanism is subject to misuse and abuse. For example, if a first user

claims to have allowed a second user to use his computer's storage, some form of verification is needed to ensure that the first user is not paid (rewarded) if that claim is untrue (i.e., if the first user never made his storage available to the second user). (See generally discussion at ¶0009-0010.)

Thus, as stated in the Abstract of the Disclosure, "[t]he present invention is directed toward monitoring resource usage in an architecture where neither the resource buyer nor the resource seller can be trusted, and for rewarding benefits, compensation, or rewards based upon such monitored resource usage data. The system rewards users who offer to share the memory, storage, or bandwidth of their computing resource to third parties within a distributed network." "The present invention provides methods and systems for measuring resource usage in a distributed information network, where parties engaging in resource sharing transactions cannot be trusted, and for rewarding users who share resources." ¶0018. (See also, ¶¶0039, 0047.)

In one aspect, the invention performs a redundancy check to ensure that a transaction is not a repeat transaction. This check prevents two computers from performing and being rewarded for multiple "sham" transactions.

The claims (as amended), clarify the roles of the various entities in the presently claimed invention. The claims, as amended, also clarify that the resource usage verification authority (RUVA) server uses the issued ticket and the modified ticket to determine the extent of resources provided by the second computer to the first computer. Since the modified ticket is modified by a trusted entity associated with the second computer, the RUVA server can rely on the information in the modified ticket to reflect what resources were actually provided by the second computer to the first computer. This approach prevents the second computer from obtaining unearned rewards.

Other aspects of the invention, e.g., as recited in claim 10, prevent the first and second computers from obtaining unearned rewards for simply repeatedly downloading a file. The redundancy check will detect such fraudulent attempts.

The Examiner acknowledges that Currie does not disclose modifying a ticket or comparing a ticket to a modified ticket. (Office Action, §18, pg. 7). However, the Examiner asserts that Dutta overcomes the limitations in Currie. According to the Examiner, "Dutta does explicitly disclose ... the second trusted entity modify the ticket to produce a modified ticket, said modified ticket being based at least in part upon actual resources provided by said second computer to said first computer." Applicant respectfully disagrees and respectfully submits that Dutta lacks any teaching or suggestion of the claimed step "(F) the second trusted entity modifying the ticket to produce a modified ticket, said modified ticket being based at least in part upon actual resources provided by said second computer to said first computer."

Dutta relates to secure handling of stored-value data objects, and, more particularly, to securely managing wireless device transactions involving stored value data objects. *Dutta*, ¶0002. But Dutta lacks any teaching or suggestion of any system or method that measures the extent of resources provided by one computer to another in a distributed network.

The Examiner relies on Dutta ¶0045 supposedly to teach "utilizing said ticket and said modified ticket to determine the extent of resources provided by the second user to the first user." What Dutta actually teaches in that cited portion is "rapid ticket verification," which, as Dutta explains, "entails subjecting an electronic ticket to a high level of initial scrutiny ... and subsequently providing the user with a potentially less secure, short-lived, rapid verification object that may be verified more quickly that the original electronic ticket." *Dutta* ¶0045.

However, Dutta's rapid ticket verification would not provide any information that would allow an RUVA server (or anything else) to "determine the extent of resources provided by the second computer to the first computer." Dutta's so-called "rapid verification object" is simply a ticket that can be quickly verified as a valid ticket. But validity of a ticket does not provide information about the extent of resources provided by one computer to another.

Since Dutta does not measure or otherwise have any indication of "actual resources provided by said second computer to said first computer," Dutta cannot be used to show the claimed step (F) of "modifying the ticket to produce a modified ticket, said modified ticket being based at least in part upon actual resources provided by said second computer to said first computer." And, as the Examiner has acknowledged, Currie does not have this step either. Therefore no proposed combination of Dutta and Currie, inasmuch as such a combination is even possible, would produce the invention of claim 1, including the step "F".

The Examiner's rejection states that "it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Curie's teachings to include the steps (e-h) as shown above and disclosed by Dutta to authenticate the source of a ticket and to ensure that the that the ticket has not been altered during transmission." However, even if this were correct (which Applicant does not accept), the step of "authenticate the source of a ticket and to ensure that the that the ticket has not been altered during transmission" is not the same as the claimed modifying of step "F" of claim 1. The Examiner has not shown that Dutta modifies a ticket, let alone that Dutta modifies a "ticket to produce a modified ticket, said modified ticket being based at least in part upon actual resources provided by said second computer to said first computer."

Claims 2-16 and 38-46 depend from claim 1 and are therefore patentable over Dutta and Currie for at least the reasons given above.

Since neither Dutta nor Currie teach or in any way suggest the claimed invention, withdrawal of this rejection under §103 is respectfully requested.

The Examiner rejected claims 10, 11, and 43-46 under §103 as being unpatentable over Currie and Dutta and further in view of Terretta (U.S. Publication No. 2001/0047275).

Claims 10 and 11 depend from claim 1 and are therefore patentable over Currie and Dutta for at least the reasons given above. The Examiner applies Terretta to supposedly teach the claimed redundancy checks. As the Examiner notes, Terretta prevents a user from more than one simultaneous use of content. "If the user is already receiving / viewing content ..., the user is denied access to the newly requested content." *Terretta* ¶0020. What Terratta tries to achieve is "'one ticket, one seat'." *Terretta* ¶0022. Once a user disconnects from Terretta's system, he can reconnect and download the same content. And in Terratta's system, the same user can stay online and repeatedly download the same content.

Nothing in Terretta teaches or suggests, as recited in **claim 11**, "determining whether a file being accessed by the first computer has already been downloaded by said first computer." Nor does anything in Terretta teach or in any way suggest "conducting a redundancy check."

The purpose of these checks in the invention of claims 10 and 11 is not to prevent multiple downloads. Their purpose is to prevent a user from being rewarded for such downloads.

In view of the above, withdrawal of this rejection under §103 is respectfully requested.

CONCLUSION

Applicant respectfully submits that this application is in condition for allowance, and an early action allowing the claims is earnestly solicited.

Should the Examiner believe that a telephone call will resolve any outstanding issues in this case, he is invited to telephone the undersigned at the number provided.

CHARGE STATEMENT: Deposit Account No. 501860, order no. **2618-0502.**
The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (<u>missing or insufficiencies only</u>) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a <u>duplicate</u> copy of this sheet is attached **This CHARGE STATEMENT <u>does not authorize</u> charge of the <u>issue fee</u> until/unless an issue fee transmittal sheet is filed.**

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